

JAN 27 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DAVID WAYNE WILSON,

Plaintiff - Appellant,

v.

MARTIN VEAL, Warden; et al.,

Defendants - Appellees.

No. 07-16231

D.C. No. CV-06-00067-FCD

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Eastern District of California  
Frank C. Damrell, District Judge, Presiding

Submitted January 20, 2009<sup>\*\*</sup>

Before: O'SCANNLAIN, SILVERMAN and BYBEE, Circuit Judges.

Upon review of the record and appellant's opening brief, this court hereby  
summarily affirms the district court's final judgment. *See United States v. Hooton*,

---

<sup>\*</sup> This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without  
oral argument. *See Fed. R. App. P. 34(a)(2)*.

693 F.2d 857 (9th Cir. 1982) (per curiam) (summary affirmance appropriate where result is clear from face of record).

**AFFIRMED.**